

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

KIMBERLY COUCH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 2:16-CV-698-WKW-SMD
	)	
ERNEST FINLEY,	)	
	)	
Defendant.	)	

**RECOMMENDATION OF THE MAGISTRATE JUDGE**

On August 25, 2016, *pro se* Plaintiff, Kimberly Couch, filed this 42 U.S.C. § 1983 suit against Chief of Police Ernest Finley alleging civil rights violations by the Montgomery Police Department (“MPD”). (Doc. 1). Plaintiff also filed a Motion to Proceed *in forma pauperis*. (Doc. 2). On November 10, 2016, Plaintiff filed an Amendment to Complaint. (Doc. 6). On May 29, 2018, the United States Magistrate Judge then assigned to the case granted (Doc. 8) the Motion to Proceed *in forma pauperis* and stayed service of process on Defendant until the Court’s review of Plaintiffs’ complaint pursuant to the provisions of 28 U.S.C. § 1915(e). On January 9, 2019, the case was reassigned to the undersigned United States Magistrate Judge. On May 17, 2019, the undersigned construed Plaintiff’s Amendment to Complaint (Doc. 6) as a motion for leave to file an amended Complaint and directed Plaintiff to file, on or before May 31, 2019, an amended complaint which addressed the deficiencies in Plaintiff’s Complaint that were raised in the undersigned’s Order. (Doc. 9). Plaintiff was specifically warned that **“her failure to amend as required by this Order will result in the undersigned’s recommendation that this case be dismissed for failure to prosecute and abide by the orders of the Court.”** *Id.* at 5 (emphasis in the original).

Plaintiff has not filed an amended complaint with the Court, and the deadline for doing so has passed. Accordingly, it is the RECOMMENDATION of the Magistrate Judge that Plaintiff's Complaint (Doc. 1) be DISMISSED for failure to prosecute and abide by orders of the Court. Further, it is

ORDERED that Plaintiff is DIRECTED to file any objections to the said Recommendation **on or before July 23, 2019**. Plaintiff must specifically identify the factual findings and legal conclusions in the Recommendation to which objection is made; frivolous, conclusive, or general objections will not be considered. Failure to file written objections to the Magistrate Judge's findings and recommendations in accordance with the provisions of 28 U.S.C. § 636(b)(1) shall bar Plaintiff from a de novo determination by the District Court of legal and factual issues covered in the Recommendation and waives the right of the party to challenge on appeal the district court's order based on unobjected-to factual and legal conclusions accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982); 11th Cir. R. 3-1; *see Stein v. Lanning Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982); *see also Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981) (en banc). Plaintiff is advised that this Recommendation is not a final order of the Court and, therefore, it is not appealable.

Done this 9th day of July, 2019.

/s/ Stephen M. Doyle  
UNITED STATES MAGISTRATE JUDGE